

## **REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing Amendment and the following remarks.

By the foregoing Amendment, claims 1-6, 8, 10 and 11 have been amended. Claims 1-11 are currently pending in the application and subject to examination.

The following remarks are fully and completely responsive to the Office Action dated September 24, 2003. In the outstanding Office Action, claims 1-11 were rejected under 35 U.S.C. § 103(a); claim 11 was rejected under 35 U.S.C. § 101; and claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph. No new matter has been added. Claims 1-11 are presented for reconsideration.

### **35 U.S.C. § 103(a)**

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dubner (U.S. Patent No. 6,564,190) in view of Michaud (U.S. Patent No. 6,003,018). In making this rejection, the Office Action asserts that these references teach and/or suggest each and every element of the claimed invention. The Office Action also asserts that one of ordinary skill in the art would combine these two references. Applicants disagree and respectfully request reconsideration of this rejection.

Claim 1 recites, in part, a storage device for storing a plurality of sets of evaluation values, each set of evaluation values contains the results of a business unit evaluation in accordance with a plurality of evaluation factors, said set of evaluation values having an attribute representing a condition of the evaluation. Claim 1 also recites, in part, an extracting processor extracting at least one set of evaluation values

related to the business unit to be analyzed out of the storage device in accordance with a predetermined extracting condition as to the attribute.

Claim 11 recites, in part, wherein the data structure, when implemented on a computer, permits the computer to extract a set of evaluation values related to the business unit to be analyzed in accordance with a predetermined extracting condition of an attribute of a set of evaluation values.

Applicants have carefully reviewed both Dubner and Michaud and could find no teaching and/or suggestion that sets of evaluation values have attributes and that these attributes are used to satisfy an extraction condition. Consequently, neither Dubner nor Michaud, alone, or in combination, teaches and/or suggests the claimed invention.

Regarding claims 1-10, neither Dubner nor Michaud, alone, or in combination, teaches and/or suggests a storage device for storing... said set of evaluation values having an attribute representing a condition of the evaluation. These two references also fail to teach and/or suggest an extracting processor extracting at least one set of evaluation values related to the business unit to be analyzed out of the storage device in accordance with a predetermined extracting condition as to the attribute. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-10 under 35 U.S.C. § 103(a).

Regarding claim 11, the combination of Dubner and Michaud fails to teach and/or suggest that the data structure, when implemented on a computer, permits the computer to extract a set of evaluation values related to the business unit to be analyzed in accordance with a predetermined extracting condition of an attribute of a set

of evaluation values. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. § 103(a).

### **35 U.S.C. § 101**

Claim 11 was rejected under 35 U.S.C. § 101 for failing to provide a concrete, useful and tangible output. Applicants have amended claim 11 to put this claim in proper form. Applicants note that claim 11, prior to being amended, provided as an output "image data showing an object at a position corresponding to the calculated coordinates in the multi-dimensional space on a screen". This calculation and display clearly provide a concrete, useful and tangible output. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. § 101.

### **35 U.S.C. § 112, Second Paragraph**

Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, for failing to define in precise terms what the Applicants regard as the invention. Specifically, the Office Action stated that "the claims are too broad to discern any novelty vis a vis the existing art". Applicants note that the legal standard under 35 U.S.C. § 112, second paragraph, is that the claims shall particularly point out and distinctly claim the subject matter which applicant regards as his invention. Thus, a rejection under 35 U.S.C. § 112 is proper if the claims are confusing or are subject to two different interpretations. However, the breadth of a particular claim is not a proper basis for rejection under 35 U.S.C. § 112, second paragraph. If the claims are "too broad to discern any novelty

vis a vis the existing prior art" then this rejection would be proper under 35 U.S.C. § 102 or § 103.

Applicants have reviewed the claims and amended the language where appropriate in an attempt to clarify these claims. Accordingly, Applicants assert that the current claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-11 under 35 U.S.C. § 112, second paragraph.


## **Conclusion**

Applicants' amendments and remarks have overcome the rejections set forth in the Office Action dated September 24, 2003. Specifically, Applicants' remarks have distinguished claims 1-11 from the combination of Dubner and Michaud and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Applicants' remarks have indicated how claim 11 provides a concrete, useful and tangible output and thus overcome the rejection of claim 11 under 35 U.S.C. § 101. Applicants' remarks have also overcome the rejection of claims 1-11 under 35 U.S.C. § 112, second paragraph. Accordingly, claims 1-11 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 1-11.

Should the Examiner determine that further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the telephone number listed below.

In the event that this paper is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, making reference to attorney docket number 024201-00001.

Respectfully submitted,  
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